

KREINCES & ROSENBERG, P.C.

900 MERCHANTS CONCOURSE
WESTBURY, NEW YORK 11590

LEONARD KREINCES
HOWARD S. ROSENBERG*

TEL (516) 227-6500
FAX (516) 227-6594

DONNA MURPHY
PARALEGAL

*ADMITTED TO PRACTICE
N.Y.,CT.

October 16, 2007

**Via Electronic Filing
and Facsimile**

Honorable Harold Baer, Jr.
U.S. District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: D'Arrigo Bros. Co. of New York, Inc. v. J & S Produce
Case Number: 07 CV 3855 (HB)

Dear Judge Baer:

We are still in the process of working out the Stipulation of Settlement in the above-named matter.

The settlement documents have been drawn however, some of the terms lack agreement between the parties. We are working in a timely manner to resolve the case. However, on behalf of the plaintiff, I do not want to prejudice my client's claims with a dismissal. Therefore, I respectfully request that the Court's prior Order dated September 7, 2007 be extended an additional 30 days during which time we will either file a Stipulation of Settlement or advise the Court that the case will remain open and we will move for summary judgment on behalf of the plaintiff.

I called Mr. Koppell this morning however, he was not in. I am reasonably certain that he would have no opposition to this application.

The courtesy and cooperation of Chambers is appreciated.

Respectfully yours,

LEONARD KREINCES

LK/dg

cc: G. Oliver Koppell, Esq. (via facsimile)